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EXAMINER

BOYCE, ANDRE D

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3623

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/520,943	<b>Applicant(s)</b> FANO ET AL.	
	<b>Examiner</b> Andre Boyce	<b>Art Unit</b> 3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06 April 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 21-39,41-45,47-68,70-74,76-97,99-103,105-107 and 123-125 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 21-39,41-45,47-68,70-74,76-97,99-103,105-107 and 123-125 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on April 6, 2009 has been entered.
2. Claims 21, 24-27, 41, 42, 44, 47-50, 70, 71, 73, 77-79, 99, 100, 102, 106, 107 and 123 have been amended, while claims 126-134 have been added. Claims 21-39, 41-45, 47-68, 70-74, 76-97, 99-103, 105-107, and 123-134 are pending.
3. The previously pending rejections to claims 21-39, 41-45, 47-49 and 123 under 35 USC 101 have been withdrawn.

The previously pending rejections to claims 21-39, 41-45, 47-68, 69-97, 99-103, 105-107, and 123-125 are rejected under 35 U.S.C. 112, first paragraph, have been withdrawn.

### ***Claim Rejections - 35 USC § 103***

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

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5. Claims 21-39, 41-45, 47-68, 70-74, 76-97, 99-103, 105-107 and 123-134 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones et al. (U.S. 6,021,397), in view of Maggioncalda et al (USPN 5,918,217).

**As per claim 21**, Jones et al. teaches a method for enabling users to make decisions by modeling tradeoffs between a plurality personal goals comprising:

providing a system comprising at least one memory to store data and instructions, a display device, a user interface, at least one processor having distinct software modules configured to access the at least one memory (i.e., financial advisory system 100, including client computer 105, figure 1) and, when executing the instructions, to perform the computer-implemented steps of:

(a) receiving via the user interface, information at a computing device from a user including information related to cash flow of a user (See column 5, lines 50-67, wherein personal information about the user is obtained included information about the user's cash flow);

(b) graphically presenting to the user via the display device a plurality of goals based on the information provided from the user, wherein the plurality of goals are related to the cash flow of the user (See column 2, lines 48-64, column 3, lines 40-67, column 4, lines 10-34, column 5, lines 50-67, column 6, lines 3-40 and 50-58, column 7, lines 63-67, and column 8, lines 1-20, wherein the plurality of goals are presented to the user. These goals include savings goals, retirement goals, financial plans (buying a house, sending a child to school), etc.) and wherein graphically presenting the goals comprises displaying a plurality of images, each of the images

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representing a goal and at least one of the images comprising a picture (i.e., LCD for displaying graphically depictions of expected portfolio performance, asset allocation, etc., including charts presented to the user, column 7, lines 36-43);

(c) allowing the user to select at least one goal from a plurality of goals via the user interface (See column 2, lines 48-64, column 3, lines 40-67, column 5, lines 50-67, column 6, lines 3-40 and 50-58, column 7, lines 63-67, and column 8, lines 1-20, wherein the user can select at least one goal and iteratively adjust preferences related to the goals);

(d) presenting to the user via the display device a plurality of the user preferences for each selected goal, the user preferences including for each selected goal an adjustable time indicia and an adjustable quality indicia, wherein the adjustable time indicia denotes a time when the user prefers to achieve the goal and the adjustable quality indicia denotes the quality of the goal preferred by the user (See column 4, lines 5-35, and column 6, lines 3-35 and 50-58, wherein the user is presented preferences including ones that indicate the time related to a goal of the user and indicate the quality related to a goal of the user);

(e) allowing the user, via the user interface, to make an adjustment to user preferences related to one of the selected goals (See column 2, lines 48-64, column 3, lines 40-67, column 5, lines 50-67, column 6, lines 3-40 and 50-58, column 7, lines 63-67, and column 8, lines 1-20, wherein the user can iteratively adjust preferences related to the goals, such as the savings rate, ages of retirement, quality of retirement, etc. The goal is the item and the preferences its settings); and

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(f) determining an impact of the adjustment on attaining the remaining goals (See column 2, lines 48-64, column 3, lines 40-67, column 5, lines 50-67, column 6, lines 3-40 and 50-58, column 7, lines 63-67, and column 8, lines 1-20, wherein the system analyzes the effects of the changes on the other goals and preferences in the portfolio).

Jones et al does not explicitly disclose (g) graphically presenting to the user via the display device the impact of the adjustment on attaining the plurality of goals by again presenting simultaneously the image of the one of the selected goals as adjusted and the images of the remaining goals as impacted, wherein graphically presenting the impact of the adjustment comprises altering the appearance of a picture associated with one of the remaining goals to reflect an inverse relationship between the time indicia or the quality indicia of the adjusted goal and the time indicia or the quality indicia of the one of the remaining goals and to display an extent of the impact on the one of the remaining goals.

Maggioncalda et al disclose graphically presenting to the user via the display device the impact of the adjustment on attaining the plurality of goals by again presenting simultaneously the image of the one of the selected goals as adjusted and the images of the remaining goals as impacted (i.e., presenting a number of different output values in area 420, users are given the ability to focus on whatever output values that may appeal to them, wherein this section of the advice screen 400 may be adaptive, that is, a user may select to have displayed one or more output values that are relevant to satisfying his/her objective function, and graphical

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representations of the recommended financial products are grouped together in a predefined portion of the display that is separate from the decisions and the output values, column 9, lines 9-15 and 29-62 and figure 4), wherein graphically presenting the impact of the adjustment comprises altering the appearance of a picture associated with one of the remaining goals to reflect an inverse relationship between the time indicia or the quality indicia of the adjusted goal and the time indicia or the quality indicia of the one of the remaining goals and to display an extent of the impact on the one of the remaining goals (i.e., the Retirement Forecast cloud picture, i.e., 24%, in figure 4, is altered in a pictorial fashion using certain icons to represent certain levels of probability of achieving goals, wherein icons 760-769 each include one or more of five basic elements: sky, clouds, sun, sun rays, and a numeric forecast, that display of the basic elements depending on the likelihood of achieving the goal 720, wherein the likelihood of achieving the goal 720 increases the weather outlook becomes brighter, e.g., icon 760 includes a dark storm cloud and represents less than a 5% chance of the goal being achieved, and the sun begins to peek out from behind the cloud in icon 765 which represents a 50% chance of achieving the goal, column 13, lines 1-42 and figure 7c).

It would have been obvious to one of ordinary skill in the art to include graphically presenting to the user via the display device the impact of the adjustment on attaining the plurality of goals by again presenting simultaneously the image of the one of the selected goals as adjusted and the images of the remaining goals as impacted, wherein graphically presenting the impact of the adjustment comprises

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altering the appearance of a picture associated with one of the remaining goals to reflect an inverse relationship in Jones et al, as seen in Maggioncalda et al, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

**As per claim 22**, Jones et al. teaches a method wherein the goals are interrelated financial goals (See column 4, lines 10-34, and column 6, lines 13-40 and 50-58, wherein the goals include at least home, monthly allowances and savings, children's education, retirement, etc.).

**As per claim 23**, Jones et al. teaches a method wherein the goals include expenditures for at least one of a home, a vehicle, planned monthly allowance and savings, planned furniture expenses, planned appliance purchases, a vacations, children's education, and retirement home (See column 4, lines 10-34, and column 6, lines 13-40 and 50-58, wherein the goals include at least home, monthly allowances and savings, children's education, retirement, etc.).

**As per claim 24**, Jones et al. teaches wherein the step of allowing the user to make an adjustment further comprises:

(a) presenting to the user via the display device an adjustable priority indicia for adjusting preferences related to the selected goal, wherein the priority indicia adjusts the level of priority of achieving the selected goal as related to other goals (See



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column 4, lines 5-35, and column 6, lines 3-35, wherein the user is presented adjustable parameters that indicate the priorities related to a goal of the user);

(b) allowing the user to make an adjustment to the priority indicia (See column 4, lines 5-35, and column 6, lines 3-35, wherein these priority parameters can be adjusted by the user);

(c) adjusting the level of priority of achieving the selected goal responsive to the user's adjustment of the priority indicia (See column 4, lines 5-35, and column 6, lines 3-35, wherein the profile and display are adjusted).

**As per claim 25**, Jones et al. teaches wherein the step of allowing the user to make an adjustment further comprises:

(a) presenting to the user via the display device an adjustable time indicia for the selected goal (See column 4, lines 5-35, and column 6, lines 3-35, wherein the user is presented adjustable parameters that indicate the time related to a goal of the user);

(b) allowing the user to make an adjustment to the time indicia (See column 4, lines 5-35, and column 6, lines 3-35, wherein these parameters can be adjusted by the user); and

(c) adjusting the amount of time expected for achieving the selected goal responsive to the user's adjustment of the time indicia (See column 4, lines 5-35, and column 6, lines 3-35, wherein the profile and display are adjusted).

**As per claim 26**, Jones et al. discloses wherein the step of allowing the user to make an adjustment further comprises:

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(a) presenting to the user via the display device an adjustable quality indicia for the selected goal (See column 4, lines 5-35, and column 6, lines 3-35, wherein the user is presented adjustable parameters that indicate the quality related to a goal of the user);

(b) allowing the user to make an adjustment to the quality indicia (See column 4, lines 5-35, and column 6, lines 3-35, wherein these parameters can be adjusted by the user);

(c) adjusting the quality of the selected goal responsive to the user's adjustment of the quality indicia (See column 4, lines 5-35, and column 6, lines 3-35, wherein the profile and display are adjusted).

**As per claim 27**, Jones et al. wherein the step of allowing the user to make an adjustment further comprises:

(a) presenting to the user via the display device an adjustable indicia of favoritism between time and quality for the selected goal (See column 4, lines 5-35, and column 6, lines 3-35, wherein the user is presented adjustable parameters that indicate the relationship between time and quality related to a goal of the user);

(b) allowing the user to make an adjustment to the favoritism indicia (See column 4, lines 5-35, and column 6, lines 3-35, wherein these parameters can be adjusted by the user);

(c) adjusting the favoritism between time and quality of the selected goal responsive to the user's adjustment of the favoritism indicia (See column 4, lines 5-35, and column 6, lines 3-35, wherein the profile and display are adjusted).

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**As per claim 28**, Jones et al. teaches a method further comprising:

creating a user profile for facilitating targeted presentation based on the user information, user goals and adjusted preferences (See at least column 5, lines 50-65, column 6, lines 7-13, 20-37, and 60-65, and column 7, lines 5-10, wherein a user profile is created for a user which stores the options and products available to the user, the user information, the goal of the user, and the stored preferences of the user in attaining the goal). However, Jones et al. does not expressly disclose targeted advertising based on the user profile.

Jones et al. discloses a tool that displays to a user options (mutual funds, 401(k) programs, etc.) available to user when planning for achievement of a goal and stores these available options in the profile of the user along with the goal and selections of the user. Using the profile of a user for marketing purposes in order increase the accuracy of presenting and tailoring ads to users to increase sales is old and well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to present tailored advertisements to the user with a stored profile of Jones et al. in order to increase the accuracy of displaying ads to users to which the options of the ad are available. Jones et al. discusses the importance of presenting a user with products attainable to the user in column 4, lines 7-15.

**As per claim 29**, Jones et al. teaches a method further comprising:

creating at least one offering targeted to the user profile for achieving the goal (See at least column 5, lines 50-65, column 6, lines 7-13, 20-37, and 60-65, and

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column 7, lines 5-10, wherein a targeted offering or presentation is provided to the user based on the user's profile, the goal specified, and the options available for the user. For example, the system gives the user a tailored suggestion, such as rebalancing the portfolio with different products, in order to achieve the goal).

**As per claim 30**, Jones et al. teaches a method further comprising:

transmitting the at least one targeted offering to the user (See at least column 5, lines 50-65, column 6, lines 7-13, 20-37, and 60-65, and column 7, lines 5-10, wherein a targeted offering or presentation is provided to the user based on the user's profile, the goal specified, and the options available for the user. For example, the system gives the user a tailored suggestion, such as rebalancing the portfolio with different products, in order to achieve the goal. Furthermore, the matched offering of a 401(k) program is in the offering presented the user).

**As per claim 31**, Jones et al. teaches wherein the transmission of the matched offering to the user is done using a computer network (See at least figure 1, column 4, lines 60-67, column 5, lines 20-50, column 6, lines 40-50, and column 7, lines 13-30 and 50-60, wherein the transmission is done using a computer network).

**As per claim 32**, Jones et al. teaches wherein the network is the Internet (See at least figure 1, column 4, lines 60-67, column 5, lines 20-50, and column 7, lines 13-30 and 50-60, wherein the network is the Internet).

**As per claim 33**, Jones et al. teaches a method further comprising: using the user profile information as market intelligence (See at least figures 6 and 7, column 5, lines 50-65, column 6, lines 7-13, 20-37, and 60-65, column 7, lines 5-10, column

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10, lines 54-67, and column 13, lines 44-50, column 16, lines 10-25, wherein a profile is maintained for the user and this profile is used with market knowledge (historical information, current information, etc.) to simulate the portfolio of the user).

**As per claim 34**, Jones et al. teaches wherein the targeted offering is a financial instrument (See at least column 5, lines 50-65, column 6, lines 7-13, 20-37, and 60-65, and column 7, lines 5-10, wherein a targeted offering or presentation is provided to the user based on the user's profile, the goal specified, and the options available for the user. For example, the system gives the user a tailored suggestion, such as rebalancing the portfolio with different financial products, in order to achieve the goal. Furthermore, the matched offering of a 401(k) program is in the offering presented the user).

**As per claim 35**, Jones et al. teaches a method further comprising: providing a user a suggested targeted offering and allowing a user to change a preference related to attaining one or more of the goals (See at least column 5, lines 50-65, column 6, lines 7-13, 20-37, and 60-65, and column 7, lines 5-10, wherein a targeted offering or presentation is provided to the user based on the user's profile, the goal specified, and the options available for the user. For example, the system gives the user a tailored suggestion, such as rebalancing the portfolio with different products, in order to achieve the goal. Furthermore, the matched offering of a 401(k) program is in the offering presented the user. See also at least column 5, lines 50-65, column 6, lines 7-13, 20-37, and 60-65, column 7, lines 5-10, and column 10, lines 54-67, wherein the user is allowed to change preferences in the portfolio related to attaining

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a goal). However, Jones et al. does not expressly disclose notifying at least one provider of the matched offering when the user changes these preferences.

Jones et al. teaches a tool wherein the user can edit the preferences and options stored in his/her portfolio, said portfolio representing a plan to achieve a goal or goals. These preferences and options are mutual funds, IRA's, 401(k) programs, etc. which are available to the user and provided via an employer, for example. It is old and well known that employees enroll in the programs for these products, which are supplied by a provider, and that employees have the ability to un-enroll in products. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to notify a provider of the product of Jones et al. (such as a mutual fund) if a user is no longer utilizing said product in order to more efficiently communicate with providers so that they have accurate information about who is and who is not using their products.

**As per claim 36**, Jones et al. teaches a method wherein the offering includes at least one of a product and a service (See at least column 5, lines 50-65, column 6, lines 7-13, 20-37, and 60-65, and column 7, lines 5-10, wherein an offering for the portfolio is presented to the user based on the user's profile, the goal specified, and the options available for the user. For example, the system gives the user a tailored suggestion, such as rebalancing the portfolio with different products, in order to achieve the goal. Furthermore, the matched offering of a 401(k) program is in the offering presented the user).

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**As per claim 37**, Jones et al. teaches a method wherein the goals include at least one of a home, a vehicle, planned monthly allowance and savings, planned future expenses, planned appliance purchases, a vacation, children's education, and retirement home (See column 4, lines 10-34, and column 6, lines 13-40 and 50-58, wherein the goals include at least home, monthly allowances and savings, children's education, retirement, etc.).

**As per claim 38**, Jones et al. teaches a method wherein the matched offering with different financial products is displayed to the user, the content displayed being derived from the proposed goals designated by the user (See at least column 5, lines 50-65, column 6, lines 7-13, 20-37, and 60-65, and column 7, lines 5-10, wherein a targeted offering or presentation is provided to the user based on the user's profile, the goal specified, and the options available for the user. For example, the system gives the user a tailored suggestion, such as rebalancing the portfolio with different products, in order to achieve the goal. Furthermore, the matched offering of a 401(k) program is in the offering presented the user). However, Jones et al. does not expressly disclose that this display is a banner advertisement.

Jones et al. discloses a tool that displays to a user options (mutual funds, 401(k) programs, etc.) available to user when planning for achievement of a goal and stores these available options in the profile of the user along with the goal and selections of the user. Using the profile of a user for marketing purposes in order increase the accuracy of presenting and tailoring ads to users to increase sales is old and well

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known in the art. Furthermore, banner ads are a well known ad type in the network marketing. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to present tailored advertisements using banner ads to the user of Jones et al. in order to increase the accuracy of displaying ads to users to which the options of the ad are available. Jones et al. discusses the importance of presenting a user with products attainable to the user in column 4, lines 7-15.

**As per claim 39**, Jones et al. teaches a method further comprising: storing the targeted offering in a database (See at least figure 1 and column 5, lines 34-41, which discusses the database).

**As per claim 41**, Jones et al. teaches wherein each of the goals has a range of options, which can be further selected by the user, the method further comprising:

(a) displaying via the display device at least one provided option corresponding to a selected goal and comprising an expected quality of the selected goal (See column 5, lines 50-65, column 6, lines 7-13, 20-37, and 60-65, and column 7, lines 5-10, wherein at least one option provided the user by the user's company is displayed to the user with respect to a goal of a user (such as retirement savings));

(b) allowing the user to select a preferred option (See column 5, lines 50-65, column 6, lines 7-13, 20-37, and 60-65, and column 7, lines 5-10, wherein a user can select options to add to the portfolio used to attain the goal of the user);

(c) allowing the user to select at least one option provided by the company (See column 5, lines 50-65, column 6, lines 7-13, 20-37, and 60-65, and column 7, lines



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5-10, wherein a user can select options to add to the portfolio used to attain the goal of the user, these options provided by his/her company); and

(d) allowing the user to add the selected option to the range of options for the goal (See column 5, lines 50-65, column 6, lines 7-13, 20-37, and 60-65, and column 7, lines 5-10, wherein a user can select options to add to the portfolio of assorted other options used to attain the goal of the user. These options available and the chosen options are stored with the user's profile).

However, Jones et al. does not expressly disclose displaying at least one provider or allowing the user to select the provider of the provided option.

Jones et al. discloses a system that displays to a user available options (mutual funds, 401(k) programs, etc.) and allows the user to select the options he/she wants in an effort to obtain a goal of the user (for example, retirement income). The system stores these available options in the profile of the user. Jones et al. further discusses in column 6, lines 60-65, that a new mutual fund may be added to the user's list of options, thus showing the availability of different options within the same product. It is old and well known in the art that mutual funds, 401(k) programs, and health benefits are provided to employees of a company, the employees being presented with multiple providers and having the ability to choose between the different providers as to what options work best for them (for example, an employee may be offered health insurance from Blue Cross Blue Shield, Aetna, etc. and he/she chooses the provider) and it is also well known that multiple companies compete to provide products such as mutual funds, etc. (or in other words mutual

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funds are available through a provider). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include presenting the providers that provide the options of Jones et al. (such as for the different mutual funds discussed) in order to increase the accuracy of planning for the goals of the user by accurately presenting all the options available to the user.

**As per claim 42**, Jones et al. discloses a method wherein each option has a range of features, further comprising:

(a) displaying via the display device the range of goal options for a goal (See column 5, lines 50-65, column 6, lines 7-13, 20-37, and 60-65, and column 7, lines 5-10, wherein at least one option provided by the user's company is displayed with respect to a goal of a user (such as retirement savings));

(b) allowing the user to select one of the options based on the adjusted preference (See column 5, lines 50-65, column 6, lines 7-13, 20-37, and 60-65, and column 7, lines 5-10, wherein a user can select options to add to the portfolio used to attain the goal of the user);

(c) allowing the user to select at least one option provided by the company (See column 5, lines 50-65, column 6, lines 7-13, 20-37, and 60-65, and column 7, lines 5-10, wherein a user can select options to add to the portfolio used to attain the goal of the user, these options provided by his/her company)

(f) allowing the user to select at least one feature provided by the selected option (See column 5, lines 50-65, column 6, lines 7-13, 15-45, and 60-65, and column 7,

lines 5-10, wherein the user is presented with features such as risk tolerance, savings rates, etc. for the options);

(g) allowing the user to add the selected feature to the range of features corresponding to the selected option (See column 5, lines 50-65, column 6, lines 7-13, 20-37, and 60-65, and column 7, lines 5-10, wherein a user can select features of options and options to add to the portfolio of assorted other features and options used to attain the goal of the user. These features and options available and those chosen are stored with the user's profile).

However, Jones et al. does not expressly disclose providers of the provided options, displaying via the display device at least one provider of the provided options, or allowing the user to select a provider of the provided options.

Jones et al. discloses a system that displays to a user available options (mutual funds, 401(k) programs, etc.) and allows the user to select the options and features he/she wants in an effort to obtain a goal. The system stores these available options in the profile of the user. Jones et al. further discusses in column 6, lines 60-65, that a new mutual fund may be added to the user's list of options, thus showing the availability of different options within the same product. It is old and well known in the art that mutual funds, 401(k) programs, and health benefits are provided to employees of a company, the employees being presented with multiple providers and having the ability to choose between the different providers as to what options work best for them (for example, an employee may be offered health insurance from Blue Cross Blue Shield, Aetna, etc. and he/she chooses) and it is also well known

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that multiple companies compete to provide products such as mutual funds, etc.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include presenting the providers that provide the options of Jones et al. (such as for the different mutual funds discussed) and allowing the user to select a provider in order to increase the accuracy of planning for the goals of the user by accurately presenting all the options available to the user. See column 4, lines 5-15, which discusses the importance of presenting a user with his/her available options.

**As per claim 43**, Jones et al. teaches wherein a list containing a plurality of provided options is displayed and the selected provided option is selected from the list of provided options (See column 5, lines 50-65, column 6, lines 7-13, 20-37, and 60-65, and column 7, lines 5-10, wherein a user can select options to add to the portfolio used to attain the goal of the user, these options provided by his/her company). However, Jones et al. does not expressly disclose the provider for the provided options listed.

Jones et al. discloses a system that displays to a user financial options (mutual funds, 401(k) programs, etc.) provided the user and allows the user to select the options he/she wants in an effort to obtain a goal of the user (for example, retirement income). Jones et al. further discusses in column 6, lines 60-65, that a new mutual fund may be added to the user's list of options, thus showing the availability of different mutual fund options. It is old and well known in the art that mutual funds, 401(k) programs, and health benefits are provided to employees of a company, the employees being presented with multiple providers and having the ability to choose

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between the different providers as to what options work best for them (for example, an employee may be offered health insurance from Blue Cross Blue Shield, Aetna, etc. and he/she chooses) and it is also well known that multiple companies compete to provide products such as mutual funds, etc. (or in other words mutual funds are available through a provider). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include presenting the providers that provide the options of Jones et al. (such as for the different mutual funds discussed) in order to increase the accuracy of planning for the goals of the user by accurately presenting all the options available to the user.

**As per claim 44**, Jones et al. teaches wherein the at least one goal option includes a plurality of features, the method further comprising:

(a) presenting to the user the plurality of features (See column 5, lines 50-65, column 6, lines 7-13, 15-45, and 60-65, and column 7, lines 5-10, wherein the user is presented with features such as risk tolerance, savings rates, etc.);

(b) allowing the user to select at least one of the plurality of features for the selected goal option (See column 5, lines 50-65, column 6, lines 7-13, 15-45, and 60-65, and column 7, lines 5-10, wherein the user sets these features based on the selected options).

**As per claim 45**, Jones et al. teaches a method further comprising: utilizing the network to display information relating to the provided option (See at least figure 1, column 4, lines 60-67, column 5, lines 20-50, column 6, lines 2-30 and 40-50, and column 7, lines 13-30 and 50-60, wherein the transmission and display of

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information is done using a computer network). However, Jones et al. does not expressly disclose displaying the provider of the option.

Jones et al. discloses a system that displays to a user financial options (mutual funds, 401(k) programs, etc.) provided the user by the company for which the user works and allows the user to select the options he/she wants. Jones et al. further discusses in column 6, lines 60-65, that a new mutual fund may be added to the user's list of options, thus showing the availability of different mutual fund options. It is old and well known in the art that mutual funds, 401(k) programs, and health benefits are provided to employees, the employees being presented with multiple providers and having the ability to choose between the different providers as to what options work best for them (for example, an employee may be offered health insurance from Blue Cross Blue Shield, Aetna, etc. and he/she chooses) and it is also well known that multiple companies provide products such as mutual funds, etc. (or in other words mutual funds are available through a provider). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include presenting the providers that provide the options of Jones et al. (such as for the different mutual funds discussed) in order to increase the accuracy of planning for the goals of the user by accurately presenting all the options available to the user. See column 4, lines 5-15.

**As per claim 47**, Jones et al. teaches a method further comprising: (a) presenting the user at least one option provided the user (See column 5, lines 50-65, column 6, lines 7-13, 20-37, and 60-65, and column 7, lines 5-10, wherein at least

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one option provided the user by the user's company is displayed to the user with respect to a goal of a user (such as retirement savings));

(b) allowing the user to select a provided option, the selected option can be employed to attain the goal, and take the impact of said option into account on the goal (See column 5, lines 50-65, column 6, lines 7-13, 20-37, and 60-65, and column 7, lines 5-10, wherein a user can select options to add to the portfolio used to attain the goal of the user. These options are used when simulating the situation of the user).

However, Jones et al. does not expressly disclose that this provided option is insurance that can be employed to attain the goal.

Jones et al. discloses a tool that takes into account a user's cash flow when planning for a goal. It is well known that insurance is a required expense that is accounted for when accurately analyzing a person's cash flow. Jones et al. discusses goals like buying a house, such goals requiring the expense of insurance. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include insurance options and the cost of the selection of insurance in the cash flow picture of the user of Jones et al. in order to more accurately plan for a user's goals by encompassing all of the user's financial obligations.

**As per claim 48**, Jones et al. teaches a method further comprising: displaying features of the selected goal option (See column 5, lines 50-65, column 6, lines 7-13, 15-45, and 60-65, and column 7, lines 5-10, wherein the user is presented with features such as risk tolerance, savings rates, etc.).

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**As per claim 49**, Jones et al. teaches a method further comprising: (a) presenting to the user an indicia of desirability for the selected goal option (See column 5, lines 50-65, column 6, lines 7-13, 15-45, and 60-65, and column 7, lines 5-10, wherein the program simulates the selected options to diagnose the portfolio versus the goal. The user is presented with an indication of the advantages of the selected options of the portfolio); and

(b) allowing the user to adjust the desirability for the selected goal option to reflect the user's desire for obtaining the selected goal option by the adjusting of the indicia of desirability (See column 5, lines 50-65, column 6, lines 7-13, 15-45, and 60-65, and column 7, lines 5-10, wherein the user is allowed to adjust the desirability to the user for the selected option).

**Claims 50-56** recite equivalent limitations to claims 21-27, respectively, and are therefore rejected using the same art and rationale applied above.

**Claims 57-68, and 70-78** recite equivalent limitations to claims 28-49, respectively, and are therefore rejected using the same art and rationale applied above.

**Claims 79-85** contain equivalent limitations to claims 21-27, respectively, and are therefore rejected using the same art and rationale applied above.

**Claims 86-97, 99-103, and 105-107** contain equivalent limitations to claims 28-49, and are therefore rejected using the same art and rationale applied above.

**As per claims 123-125**, Jones et al. discloses a profile of the user based on the adjusted user preferences and personal information of the user, wherein the



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personal information of the user includes information relating to one or more of the age of the user (See column 5, lines 52-67, noting a profile is generated for each person, the profile including age).

**As per claims 126-128**, Jones et al does not disclose changing an intensity of a display of the picture to reflect an adjusted priority of the one of the remaining goals, an adjusted amount of time expected to achieve the one of the remaining goals, and replacing the picture with another picture representative of an adjusted quality of the one of the remaining goals. Maggioncalda et al disclose the Retirement Forecast cloud picture, i.e., 24%, in figure 4, is altered in a pictorial fashion using certain icons to represent certain levels of probability of achieving goals, wherein icons 760-769 each include one or more of five basic elements: sky, clouds, sun, sun rays, and a numeric forecast, that display of the basic elements depending on the likelihood of achieving the goal 720, wherein the likelihood of achieving the goal 720 increases the weather outlook becomes brighter, e.g., icon 760 includes a dark storm cloud and represents less than a 5% chance of the goal being achieved, and the sun begins to peek out from behind the cloud in icon 765 which represents a 50% chance of achieving the goal, column 13, lines 1-42 and figure 7c.

It would have been obvious to one of ordinary skill in the art to include changing an intensity of a display of the picture to reflect an adjusted priority of the one of the remaining goals, an adjusted amount of time expected to achieve the one of the remaining goals, and replacing the picture with another picture representative of an adjusted quality of the one of the remaining goals in Jones et al, as seen in

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Maggioncalda et al, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

**Claims 129-131** recite equivalent limitations to claims 126-128, respectively, and are therefore rejected using the same art and rationale applied above.

**Claims 132-134** contain equivalent limitations to claims 126-128, respectively, and are therefore rejected using the same art and rationale applied above.

### ***Response to Arguments***

6. In the Remarks, Applicant argues, with respect to independent claims 21, 50 and 79, that Jones fails to disclose "displaying a plurality of images, each of the images representing a goal and at least one of the images comprising a picture." The Examiner respectfully disagrees. Jones et al discloses graphically presenting the goals comprises displaying a plurality of images, each of the images representing a goal and at least one of the images comprising a picture (i.e., LCD for displaying graphically depictions of expected portfolio performance, asset allocation, etc., including charts presented to the user, column 7, lines 36-43), wherein in a chart is a picture.

Applicant also argues Jones fails to disclose "graphically presenting to the user via the display device the impact of the adjustment on attaining the plurality of goals by again presenting simultaneously the image of the one of the selected goals as

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adjusted and the images of the remaining goals as impacted," and "wherein graphically presenting the impact of the adjustment comprises altering the appearance of a picture associated with one of the remaining goals to reflect an inverse relationship between the time indicia or the quality indicia of the adjusted goal and the time indicia or the quality indicia of the one of the remaining goals and to display an extent of the impact on the one of the remaining goals." The Examiner submits Jones et al, in view of Maggioncalda et al indeed discloses the claim limitations, as seen in the above rejection.

### ***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andre Boyce whose telephone number is (571)272-6726. The examiner can normally be reached on 9:30-6pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Beth Boswell can be reached on (571) 272-6737. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Andre Boyce/  
Primary Examiner, Art Unit 3623  
June 6, 2009